



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 2023

November 5, 2002

Czeslaw Mazur  
138 Monterey RD  
Orange, CA 92866

In re application of:  
Czeslaw Mazur            DECISION ON PETITION  
Serial No.: 09/911,347  
Filed: July 27, 2001  
For: INVENTOR

This is a decision on the petition received September 25, 2002, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice of Incomplete Nonprovisional Application mailed September 4, 2001. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned July 2, 2002. The notice of abandonment was mailed on September 9, 2002.

On September 25, 2002, the office received a communication from attorney Gerald L. Price who is not the attorney of record in the above application. All correspondence is designated to the inventor until a power of attorney is received. The inventor must send in a change of address to correct the inventor's address and correspondence.

The response of September 19, 2001, January 22, 2002 and July 8, 2002 did not complete the informalities in the above application. The notice of September 4, 2001, gave the applicant two months from the date of the notice to response. The response was due on or before November 4, 2001, with no extensions of time. The response of September 9, 2002, is untimely.

The petition is hereby DENIED.

The irradiated mail received the actual mail dates that were issued by the United States Postal Service.

Petitioner(s) may wish to consider filing a petition to the Commissioner under 37 CFR 1.37(a or (b) requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a non provisional application abandoned for failure to prosecute (2) the \$110 petition fee required by 37 CFR 1.17(l) (\$55 if petitioner has established small entity status); (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

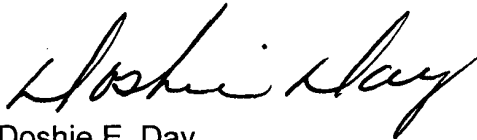
Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the \$1210 petition fee required by 37 CFR 1.17(l) (\$605 if petitioner has established small entity status; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

The applicant may direct further correspondence regarding this application to:

Box DAC  
Office of Petitions  
Assistant Commissioner for Patents  
Crystal Plaza 4 CP-3C23  
South Clark Place  
Arlington, VA 2202

This decision is addressed to a change shown on a returned letter.  
Further, correspondence will be directed to the address in the application.

A handwritten signature in cursive script, appearing to read "Doshie E. Day".

Doshie E. Day  
Program Management Assistant  
Office Initial Patent Examination  
(703) 308-3640